

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELDRIDGE HARMON,

Plaintiff,

CIVIL CASE NO. 05-40124

v.

UNITED STATES OF AMERICA,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

_____/

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Plaintiff, who is proceeding pro se, has filed a "motion for reconsideration of order denying Plaintiff's motion for reconsideration of motion." The motion appears to contest this Court's order of May 26, 2005. This motion states that it was served on the United States Attorney on June 9, 2005. The local rules for this district, however, provide that "no response to the motion or oral argument are permitted unless the court orders otherwise." E.D. Mich. Local R. 7.1(g)(2). The Court does not find a response or a hearing to be necessary for the adjudication of this motion for reconsideration.

To succeed on a motion for reconsideration "[t]he movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also must show that correcting the

defect will result in a different disposition of the case." E.D. Mich. Local R. 7.1(g)(3). A "palpable defect" is "a defect that is obvious, clear, unmistakable, manifest, or plain." United States v. Cican, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001) (Gadola, J.). 7.1(g)(3). Moreover, "the [C]ourt will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the [C]ourt, either expressly or by reasonable implication." E.D. Mich. Local R. 7.1(g)(3).

The Court has reviewed Plaintiff's motion for reconsideration, Plaintiff's other filings, as well as the Court's underlying order. The Court does not identify any obvious, clear, unmistakable, manifest, or plain defects in the Court's order. Additionally, the Court determines that correcting any alleged defect would not result in a different disposition of the case. Consequently, the standard required to grant a motion for reconsideration has not been met.

Furthermore, it appears to this Court that the Plaintiff's argument presents the same issues already ruled upon by the Court. Plaintiff's argument essentially expresses a disagreement with the Court's previous order. Plaintiff also submits a number of rhetorical questions to this Court (such as, "does the Court acknowledge that YAHSHUA the MESSIAH said that 'you reap what you sew'?" and "is the Court interested in ascertaining the truth?"),

which are not appropriate for this Court to comment on, particularly at this stage in the case when the complaint has not even been answered yet. A motion for reconsideration predicated on such statements is an insufficient ground to grant reconsideration. See E.D. Mich. Local R. 7.1(g)(3). Consequently, the Court will deny Plaintiff's motion.

Because this motion may have been submitted prior to Plaintiff's receipt of this Court's warning contained in June 6, 2005 order, the Court will not issue a show cause order based on this filing. The Court, however, repeats the following. **Plaintiff is hereby given notice that further frivolous motions in this action will result in the Court issuing an order for Plaintiff to show cause as to why sanctions should not be imposed for violations of Federal Rule of Civil Procedure 11(b)(2). See Fed. R. Civ. P. 11(c)(1)(B).**

ACCORDINGLY, IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration [docket entry 18] is **DENIED**.

SO ORDERED.

Dated: June 16, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 17, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

_____ ,
and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Eldridge Harmon.

s/Tammy Hallwood

Tammy Hallwood, Deputy Clerk
(810) 341-7845